

## **DETAILED ACTION**

### **Status of the Application**

Receipt of the Amendment after Final Office Action and Applicant's Arguments/Remarks, all filed 05/19/08 is acknowledged. The amendment has been entered.

Claims 3-12, 14-16 and 23-26 are pending in this action. Claim 3 has been amended. New claim 26 has been added. Claim 13 has been cancelled herein. Claims 8, 12, 14, 23 and 25 have been amended and claims 1, 2 and 17-22 have been cancelled via Examiner's Amendment. Claims 3-12, 14-16 and 23-26 are allowed.

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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen R. Kipnes on 12 June 2008.

The application has been amended as follows:

In the Claims:

In Claim 8, line 2, "45%" has been changed to ~~--40%--~~.

In claim 12, line 2, after the term "spectra", the term ~~--as--~~ has been **inserted**.

In claim 14, lines 2 and 9, the term ~~--other--~~ has been **deleted**.

In claim 14, line 8, after the term "slurry and", the term ~~--said--~~ has been **inserted**.

In claim 23, line 4, after the term "household", the term "cleaner" has been changed to ~~--cleanser--~~.

In claim 25, line 2, "form" has been changed to ~~--from--~~.

**Claims 1, 2 and 17-22 have been cancelled.**

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#### ***Allowable Subject Matter***

Claims 3-12, 14-16 and 23-26 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that the prior art of record (Winston *et al.* - U.S. Pat. No. 4,623,536) does not disclose, teach nor fairly suggest the instant slurry formulation comprising the following: (1) a surface area of from about 120 to about 140 cm<sup>3</sup>/g; (2) a viscosity of less than about 1,000 cP; (3) a Zeta potential of about 2 to about 11 mV; and (4) the absence of a suspending aid. The prior art is silent with respect to a slurry having the instant surface area, viscosity levels and Zeta potential as instantly claimed, whereby the slurry is prepared in the absence of a suspending aid.

The instant invention demonstrates an improvement over the prior art formulation in that the instant slurry promotes stability without the use of a suspending aid. The presence of a suspending aid is detrimental in that it increases the probability of interaction between the various slurry components, as well as increases cost production. The instant formulation also exhibits an improvement in that the slurry can be prepared using lower temperatures, which do not adversely affect the slurry preparation, coupled with reduced cost and broader end uses of the product.

In a telephonic interview held on June 12, 2008 between the Applicant's representative (A. Kipnes) and the Examiner of record (H. Sheikh), suggestions were made by the Examiner to amend instant claims 8, 12, 14, 23 and 25 as well as to cancel withdrawn claims 1, 2 and 17-22, which would place the application in condition for allowance. Applicant's representative adopted the suggestions proposed by the Examiner. Accordingly, the instant invention is rendered non-obvious and *patentable* over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Mon, Tues, Thurs, Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Humera N. Sheikh/  
Primary Examiner, Art Unit 1618

*hns*

June 12, 2008